

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DONALD KIE, JR.,

Case No. 3:20-cv-00709-RCJ-CLB

Petitioner,

**ORDER**

v.

WARDEN GARRETT , et al.,

Respondents.

This is a habeas corpus action under 28 U.S.C. § 2254. Currently before the court are (1) the respondents' two motions (ECF Nos. 36 and 37) to extend the deadline for filing their response to the third amended petition; (2) the petitioner's motion (ECF No. 41) to extend the deadline for filing a response to the respondents' motion to dismiss; and (3) a *pro se* motion (ECF No. 42) filed by the petitioner rather than his counsel.

Good cause appearing, the respondents' motions for extension of time (ECF Nos. 36 and 37) will be granted *nunc pro tunc* and their motion to dismiss will be deemed timely filed. Good cause appearing, the petitioner's unopposed motion for extension of time (ECF No. 41) will also be granted giving the petitioner until August 26, 2022, to file a response to the motion to dismiss. The petitioner's *pro se* motion (ECF No. 42) will, however, be stricken as it is filed in violation of LR IA 11-6.

"It is well established that district courts have inherent power to control their docket," including the power to strike improperly filed items from the docket. *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). The Local Rules of Practice state, in relevant part:

A party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney . . . .

LR IA 11-6(a). This rule further states that an "attorney who has appeared for a party must be recognized by the court and all the parties as having control of the client's case." *Id.*

Because counsel is appointed to represent the petitioner, the petitioner may not personally file motions or documents with the court and the court will order the motion (ECF No. 42)

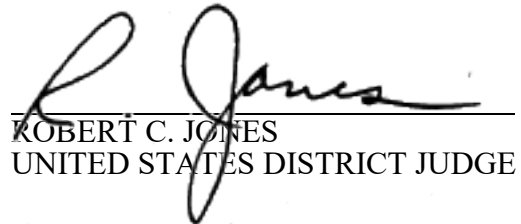
1 stricken from the court's docket.

2 IT IS THEREFORE ORDERED that the respondents' motions (ECF Nos. 36 and 37) to  
3 extend the deadline to file a response to the third amended petition are **GRANTED NUNC PRO**  
4 **TUNC**. Respondents' motion to dismiss (ECF No. 38) is deemed timely filed.

5 IT IS FURTHER ORDERED that the petitioner's motion (ECF No. 41) to extend the  
6 deadline to file a response to the motion to dismiss is **GRANTED**. Petitioner has until August  
7 26, 2022, to file a response to the motion to dismiss.

8 IT IS FURTHER ORDERED that the Clerk of the Court is ordered to **STRIKE** the  
9 petitioner's *pro se* motion (ECF No. 42) from the court's docket.

10 Dated: August 22, 2022.

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13 ROBERT C. JONES  
14 UNITED STATES DISTRICT JUDGE  
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